

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 05-1825 (DSD/RLE)

Noe Ocampo,

Petitioner,

v.

ORDER

United States of America,

Respondent.

This matter is before the court upon petitioner's objection to the report and recommendation of United States Magistrate Judge Raymond L. Erickson, dated August 19, 2005. In his report, the magistrate judge concluded that the petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 should be dismissed for want of jurisdiction.

The court reviews the reports and recommendations of the magistrate judge de novo. 28 U.S.C. § 636(b)(1)(C). After a thorough review of the entire file and record, the court finds that the report and recommendation of the magistrate judge is well-reasoned, correctly applies the law and appropriately concludes that the motion prescribed by 28 U.S.C. § 2255 is adequate and effective to test the legality of petitioner's detention. Therefore, the petition must be dismissed, and the court adopts the report and recommendation of the magistrate judge in its entirety.

Accordingly, **IT IS HEREBY ORDERED** that petitioner's application for habeas corpus relief pursuant to 28 U.S.C. § 2241 is dismissed for want of jurisdiction.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: August 31, 2005

s/David S. Doty
David S. Doty, Judge
United States District Court